

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMILIANO CHAVEZ-GONZALEZ,

Petitioner,

v.

ALBERTO GONZALES, *et al.*,

Respondents.

CASE NO. C05-306-JLR-MJB

ORDER GRANTING MOTION TO
TRANSFER TO NINTH CIRCUIT
COURT OF APPEALS AS PETITION
FOR REVIEW

The Court, having reviewed Petitioner's Motion to Transfer Petition to Court of Appeals (Dkt. #16), all papers and exhibits in support and in opposition to that motion, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's Motion to Transfer (Dkt. #16) is GRANTED. This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this case is hereby TRANSFERRED to the Ninth Circuit Court of Appeals as a Petition For Review pursuant to Section 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231.

1 (3) Respondents are temporarily enjoined from removing petitioner from the United
2 States pending further order of the United States Court of Appeals for the Ninth
3 Circuit.

4 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings and
5 related documents to the Ninth Circuit Court of Appeals. The Clerk shall,
6 however, retain a copy of the Court's electronic file. The Clerk is further directed
7 to send copies of this Order to all counsel of record, and to Judge Benton.

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9 DATED this 6th day of July, 2005.

10 s/James L. Robart

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JAMES L. ROBART
12 United States District Judge
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